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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

6 CHRISTIAN FOUMAL,

7 Plaintiff,

8 v.

9 CCO McCARTHEY (RS COUNSELOR),

10 Defendant.

CASE NO. C11-5310BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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12 This matter comes before the Court on the Report and Recommendation ("R&R")
13 of the Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 10. The
14 Court having considered the R&R and the remaining record, and no objections having
15 been filed, does hereby find and order as follows:

- 16 (1) The R&R is **ADOPTED**; and
17 (2) Plaintiff's complaint is **DISMISSED without prejudice** and the dismissal
18 counts as a "**strike**" under 28 U.S.C. § 1915(g).

19 Dated this 17th day of October, 2011.

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BENJAMIN H. SETTLE
United States District Judge